

## REMARKS

Claims 3, 8, 11-17, 20, and 22 constitute the pending claims in the present application. Applicants have herein cancelled claims 24 and 26. Applicants have cancelled these claims solely to expedite prosecution. Applicants reserve the right to pursue the cancelled claims, or claims similar thereto, at a later date. Issues raised by the Examiner will be addressed below in the order they appear in the Office Action. Applicants respectfully request reconsideration in view of the following remarks.

2. Applicants acknowledge that claims 3-8, 11-17, 20 and 22 are pending in the present Application, and that these claims will be examined to the extent they read on compounds having the basic chemical structure of cycloamine or jervine. Applicants further acknowledge that claim 4 stands withdrawn.

3. Applicants note with appreciation that the rejection of claim 25 under the judicially created doctrine of obviousness-type double patenting over claims 1, 15-17, 20, 21, 27, 28, and 36 of copending Application No. 09/708,964 has been withdrawn.

4. Claims 3, 5-8, 11-17, 20, 22, 24, and 26 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 15-17, 20, 21, 27, 28 and 36 of copending Application No. 09/708,964. Applicants have filed a terminal disclaimer with this response to overcome the rejection. Accordingly, Applicants respectfully request removal of the rejection.

5. Applicant note with appreciation that the rejection of claims 5, 6, 8, and 11 under 35 USC 112, second paragraph, has been withdrawn.

6. Applicants note with appreciation the Office Action's acknowledgement that the rejection of claim 25 under 35 USC 102(b) over Gerashchenko et al., has been rendered moot by the cancellation of the claim.

7. Claims 24 and 26 are rejected under 35 USC 102(b) over Gerashchenko et al. Applicants submit that the claims have been rendered moot because Applicants have herein cancelled both claims. Accordingly, Applicants respectfully request reconsideration and removal of the rejections.

8. Applicants note with appreciation the Office Action's acknowledgement that the rejection of claim 25 under 35 USC 102(b) over Omnell et al., has been rendered moot by the cancellation of the claim.

9. Claims 24 and 26 are rejected under 35 USC 102(b) over Omnell et al. Applicants submit that the claims have been rendered moot because Applicants have herein cancelled both claims. Accordingly, Applicants respectfully request reconsideration and removal of the rejections.

10. Applicants note with appreciation the Office Action's acknowledgement that the rejection of claim 25 under 35 USC 103(a) over Gerashchenko et al., has been rendered moot by the cancellation of the claim.

11. Applicants appreciate the Examiner's indication that claims 3, 5-8, 11-17, 20, and 22 drawn to unwanted hair growth or spermatogenesis utilizing compounds having the basic chemical skeleton of cyclopamine or jervine would be allowable upon filing of an amendment and a terminal disclaimer.

### CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000. If there are any other fees due in connection with the filing of this submission, please charge the fees to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

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Respectfully Submitted,



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